

AMENDED IN SENATE JUNE 28, 2001  
AMENDED IN ASSEMBLY MAY 9, 2001  
AMENDED IN ASSEMBLY APRIL 16, 2001  
AMENDED IN ASSEMBLY APRIL 5, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1011**

**Introduced by Assembly Member Pavley**  
(Coauthor: Senator Kuehl)

February 23, 2001

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An act to add Section 27424 to the Government Code, relating to county records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1011, as amended, Pavley. County records.

(1) Existing law prescribes the various duties of the county assessor and the county recorder with respect to the filing and maintenance of public documents.

This bill would require the county recorder in each county to *develop and maintain a separate and distinct, within the existing indexing system, a comprehensive index of conservation easements on land in that county*. The bill would also require the county recorder ~~and the county clerk to transmit to the county recorder a copy of any document, with respect to conservation easements affecting property within the county, recorded on or after January 1, 2002, concerning any transaction regarding conservation easements affecting property within the county for inclusion in the index~~ *to include the conservation easement in the*

*index, if the document is properly labeled, or if a Notice of Conservation Easement, as set forth in the bill, is also recorded.* The bill would authorize ~~the county recorder, county clerk, and specified parties to conservation easements to transmit to the county recorder for inclusion in the index any documents of recorded transactions regarding conservation easements~~ *fill out and record a Notice of Conservation Easement for conservation easements recorded prior to January 1, 2002.* By imposing these duties on county officers, this bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27424 is added to the Government  
 2 Code, to read:  
 3 27424. (a) The county recorder in each county shall *develop*  
 4 *and maintain, within the existing indexing system, a*  
 5 *comprehensive index of conservation easements and Notice of*  
 6 *Conservation Easements* on land within that county.  
 7 ~~Notwithstanding any other provision of law, the~~ *The* conservation  
 8 easement index *developed and* maintained pursuant to this  
 9 subdivision shall ~~be separate and distinct from those indexes of~~  
 10 ~~other official records maintained by the county recorder~~ *include*  
 11 *all conservation easements recorded on and after January 1, 2002.*  
 12 ~~The~~  
 13 (b) *The* county recorder shall not incur any liability for errors  
 14 or omissions with respect to the indexing of conservation  
 15 easements. ~~For~~

1 (c) For the purposes of this section, “conservation easement”  
2 means any limitation in a ~~deed, will, or other instrument in the~~  
3 ~~form of recorded instrument that contains~~ an easement, restriction,  
4 covenant, ~~or condition~~ condition, or offer to dedicate, which is or  
5 has been executed by or on behalf of the owner of the land subject  
6 to that ~~easement~~ limitation and is binding upon successive owners  
7 of the land, and the purpose of which is to retain land  
8 predominantly in its natural, scenic, historical, agricultural,  
9 forested, or open-space condition.

10 ~~(b)~~

11 (d) On and after January 1, 2002, when a county recorder ~~or a~~  
12 ~~county clerk records any transaction regarding conservation~~  
13 ~~easements records a new conservation easement~~ affecting  
14 property within the county, he or she shall ~~transmit a copy of the~~  
15 ~~recorded document for inclusion in the index maintained~~ include  
16 ~~the easement in the index developed and maintained~~ pursuant to  
17 subdivision (a). ~~In order to be recorded, the deed or other~~  
18 ~~document shall be titled a conservation easement on the first page~~  
19 ~~and shall indicate whether that easement is voluntary or not.~~  
20 ~~However, all deeds or documents shall be recorded regardless of~~  
21 ~~whether the conservation easement is or is not voluntary.~~

22 ~~(e)~~ (a), if the document containing the easement is entitled  
23 “Conservation Easement,” or the following document is properly  
24 filled out by the submitter, and recorded at the same time, or at a  
25 later date:

26 *Recording Requested by and*  
27 *When Recorded Return To:*  
28

There is no fee required for the recording of this document pursuant to  
Government Code Section 6103  
NOTICE OF CONSERVATION EASEMENT

The undersigned hereby gives notice that a Conservation Easement was  
recorded in the \_\_\_\_\_ County Recorder's Office on  
\_\_\_\_\_ and recorded as Document  
number \_\_\_\_\_.

The grantors and grantees of this Conservation Easement were  
Grantors \_\_\_\_\_

Grantees,  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the above statement is true and  
correct.

Signed, \_\_\_\_\_

Dated, \_\_\_\_\_

THIS NOTICE IS FOR INDEXING PURPOSES ONLY, AND DOES NOT,  
BY ITSELF, CONSTITUTE A CONSERVATION EASEMENT

(e) In order to ~~facilitate the development of~~ include  
conservation easements recorded prior to January 1, 2002, the  
comprehensive index of conservation easements and "Notice of  
Conservation Easements" developed and maintained pursuant to  
subdivision (a), ~~the county recorder, the county clerk, and any~~  
parties to conservation easements, including, but not limited to, the  
~~county~~ counties, cities, recreation and park districts or agencies,  
state conservancies, state agencies, the California Coastal  
Commission, land trusts, and nonprofit organizations, ~~may~~  
~~transmit to the county recorder for inclusion in the index~~  
~~documents of any recorded transactions regarding conservation~~  
~~easements within the county.~~ may fill out and record a Notice of  
Conservation Easement pursuant to subdivision (d) for each  
previously recorded conservation easement, in the county in which  
the affected real property is located.

SEC. 2. Notwithstanding Section 17610 of the Government  
Code, if the Commission on State Mandates determines that this  
act contains costs mandated by the state, reimbursement to local

1 agencies and school districts for those costs shall be made pursuant  
2 to Part 7 (commencing with Section 17500) of Division 4 of Title  
3 2 of the Government Code. If the statewide cost of the claim for  
4 reimbursement does not exceed one million dollars (\$1,000,000),  
5 reimbursement shall be made from the State Mandates Claims  
6 Fund.

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